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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,788	09/18/2001	Nestor Kolcio	UPI 2-001	8181
7590 07/27/2004			EXAMINER	
Gerald L. Smith Mueller and Smith, LPA 7700 Rivers Edge Drive Columbus, OH 43235			MORAN, KATHERINE M	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 07/27/2004

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/954,788  
Filing Date: September 18, 2001  
Appellant(s): KOLCIO ET AL.

**MAILED**  
**JUL 27 2004**  
**GROUP 3700**

Diane E. Burke  
For Appellant

### **EXAMINER'S ANSWER**

This is in response to the appeal brief filed 5/10/2004.

**(1) *Real Party in Interest***

The brief does not contain a statement identifying the Real Party in Interest. Therefore, it is presumed that the party named in the caption of the brief is the Real Party in Interest, i.e., the owner at the time the brief was filed. The Board, however, may exercise its discretion to require an explicit statement as to the Real Party in Interest.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1-14 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

US 3,761,965	BARASCH	10-1973
FR 2,448,307	HUTCHINSON-MAPA	9-1980
US 4,536,890	BARNETT ET AL.	8-1985

US Application 2002/0075232 to DAUM et al.

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson-Mapa (Hutchinson, France, 2,448,307-translation enclosed) in view of Daum et al. (Daum, U.S. 2002/0075232) and Barasch (U.S. 3,761,965). Hutchinson '307 discloses the invention substantially as claimed. Hutchinson teaches method steps inherent in the structure of a rubber, tight-fitting, and insulative electricians' glove 1 with a non-conductive, adhesively-retained flock lining 5 on at least a palm and back interior and the initial joint glove regions, for accessing low-voltage electrical components. The glove includes roughened external surfaces at the palm and fingertip regions 3,4 (Figs.1,2) and ridges (pg.4, lines 11-15). Page 2, lines 19-21 recite that the glove is capable of providing protection under test voltages of at least 5000 volts. However, Hutchinson does not teach periodically removing the glove from the hand to cool and remove moisture from the hand and glove and thereafter replacing the glove on the hand. Daum '232 teaches a rubber glove which produces a build up of sweat inside the glove (pg.1, col.1, paragraph 6). As a result, it is common for a user to have to take a rest from using the glove after

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only several minutes. "Taking a rest" implies a brief respite from wearing the glove, including removing the glove and thereafter replacing the glove upon the hand. Hutchinson also does not teach flock diminishing from the bases of the finger sheaths to be substantially absent at the fingertip regions. Barasch '965 teaches a glove 10, used for applications requiring manual dexterity and tactility, with a diminished textured surface 20 of granular particles 24 on the inner surface of the finger sheaths 11-15, which assist in donning the glove. The concentration of particles 24 diminishes from the bases of the finger sheaths to be substantially absent at the fingertip regions as shown in Figures 1 and 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the step of periodically removing the glove from the gloved hand to cool and remove moisture from the hand and glove and thereafter replacing the glove upon the hand, because it is well known that rubber gloves cause a build up of sweat on a glove's interior, thus removing the glove and replacing it thereafter, temporary cools the user's hand. Regarding claims 5 and 12, Hutchinson teaches the ridges may be replaced by any suitable raised projections. Further, the specification does not provide criticality for the triangular ridged pattern. As such, this is an obvious design choice which could have been arrived at through routine experimentation. Accordingly, it would have been obvious to one of ordinary skill in the art to provide Hutchinson's glove with a formation of ridges provided as a triangular pattern because this pattern is known to provide anti-slip properties to the glove. Finally, it would have been obvious to provide Hutchinson's glove with the diminished flock from the bases of the finger sheaths to be substantially absent at the fingertip regions, as taught by Barasch, so that the inner surface of the glove includes a frictional surface

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for assisting in easily donning the glove, but the user's prime region of tactility is not impeded by texturing.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchinson '307 in view of Daum '232 and Barasch '965, and further in view of Barnett (U.S. 4,536,890). Hutchinson discloses the invention substantially as claimed. However, Hutchinson does not teach the step of spraying a non-conductive adhesive flock through the hand access opening of the glove. Barnett '890 teaches a glove with an adhesive born flock layer 20 which is applied by spraying. This is a common method employed to quickly and cleanly provide a glove with an insulative layer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to spray a flock layer in the glove of Hutchinson because this is a time-efficient method of imparting lining into the glove.

**(11) *Response to Argument***

Appellant's arguments are first drawn to their contention that the Examiner has relied upon improper hindsight reconstruction of the invention in regard to the fields of art of the cited prior art. Applicant further argues that Hutchinson does not teach the step of "providing a rubber insulating glove effective to insulate a gloved hand from electrical components". Hutchinson certainly teaches a rubber insulating glove effect to insulate a gloved hand from electrical components, including those components having voltages of at least 5000 volts rms, and an internal layer of textile fibers applied by flocking (pg.2, 3<sup>rd</sup> full paragraph). If Hutchinson's glove is effective to insulate the gloved hand from voltages of at least 5000 volts, than the glove will also function to insulate the gloved hand from voltages less than 5000 volts, including 500 and 1000 volts.

Appellant also contends that Hutchinson calls for a different glove construction than that of the present invention because it is intended to meet different voltage requirements for accessing different components. While it is true that Hutchinson's glove is three-layered, the glove meets the claim limitations as being a rubber glove effective to insulate a gloved hand from electrical components, with the glove including retained flock at the interior palm and hand back regions. Hutchinson's middle and outer layers are formed from elastomeric materials such that the middle layer would not have an appreciable affect on the glove's dexterity. Appellant states that Hutchinson's glove is intended for use with much larger parts energized at 5 or more times the voltage of those accessed by the glove. The size of the energized parts is irrelevant in that a part does not necessarily need to be larger in size to carry a substantial voltage current. Hutchinson is concerned with providing a glove which preserves the tactile capability of the user and also recognizes the need for a rubber glove which allows for easy donning and doffing and provides effective insulation while preserving the user's tactile capabilities (pg.2, 2<sup>nd</sup> paragraph). Conceivably, any rubber glove would provide the wearer with insulation from electrical components since rubber is not a conductive material.

Hutchinson does not explicitly teach the step of periodically removing the glove from the hand to cool and remove moisture from the hand and glove and thereafter replacing the glove upon the hand. Hutchinson recognizes on pg. 1, lines 10-11 that rubber gloves cause extensive sweating of the hands. Daum is relied upon for a teaching of a rubber glove which is removed from the hand every few minutes and then replaced on the hand. Daum recognizes this necessary step in the background of the invention portion of the specification (col.1, paragraph 6).

Hutchinson does not teach the step of providing the glove with flock diminishing from the bases of the finger sheaths to be substantially absent at the fingertip regions. Barasch teaches an elastomeric glove which is inherently insulative to some degree, with an interior lining of embedded granular particles configured such that the lining diminishes from the base of the finger sheaths to be substantially absent at the fingertip regions. Figures 1 and 2 show this particular configuration, with column 4, lines 9-14 discussing how the lining assists in glove donning without any detrimental effect with respect to the tactile sensitivity, frictional or grip characteristics of the invention.

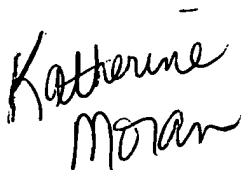
Appellant's arguments with respect to Barnett are directed to the intended use of Barnett's glove. Barnett is relied upon for the teaching of spraying a non-conductive adhesive born flock. Different methods of flock application are well-known in the art and this particular spraying method allows for quick and efficient flock application.

As mentioned above, Hutchinson recognizes the importance of tactile capabilities while using the glove. This same recognition is set forth by Barasch with increased tactile sensation for the fingers. The invention of Barasch provides further for a means for assisting in the donning and removal of the tightly fitting glove by using variably applied particles to the inner surface of the glove. While these particles are not flock in the true sense, they act in the identical manner by reducing the frictional surface of the glove interior. Reducing the amount of particles adhered to the interior surface in a direction of the fingers provides benefits of good tactile sensation and low frictional adherence between the glove and the wearer's hand.

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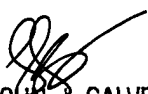
While viewing Hutchinson with the teachings of Barasch, one of ordinary skill in the art would have recognized both the benefits of flocked material and its diminished pattern within the glove's interior, so as to provide the claimed invention.

For the above reason, the Examiner requests affirmance of the final rejection.

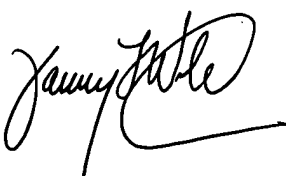


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